

REMARKS

Claims 1-4, 7-13, 19, 20, and 22 are pending in the present application. Claims 5, 6, and 21 are hereby canceled. Claim 22 is new. Claims 1, 4-13, 19, and 20 have been amended. Claims 1 and 19 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following remarks.

Interview on October 22, 2007

Applicants wish to thank Examiner Kevin K. Xu and Supervisory Patent Examiner Mark K. Zimmerman for taking the time to discuss the present application with Applicants' representative, Jason Rhodes (Reg. No. 47,305), during the personal interview conducted on October 22, 2007.

Claims Discussed: Claim 1.

Prior Art Discussed: U.S. Patent Application Publication No. 2003/0198386 to Luo (hereafter "Luo"); U.S. Patent No. 6,976,214 to Bates et al. (hereafter "Bates").

General Results: Agreement was reached on amended claim language that would overcome the present rejections based on Luo and Bates. Particularly, it was agreed that Luo and Bates do not teach or suggest automatically moving design element shapes sharing the same characteristic into an affinity region for that characteristic, such that the shapes are in proximity with one another. Agreement was also reached for other types of amendments particularly defining the types of characteristics of design elements to distinguish over the "selected/non-selected" characteristic of Luo and Bates. However, the Examiner noted that such amendments would require further search and/or consideration.

Rejections Under 35 U.S.C. § 103

Claims 1-4, 8-13, 19, and 20 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo in view of Bates. Claim 7 currently stands rejected under § 103(a) as

being obvious over Luo and Bates, and further in view of U.S. Patent No. 4,731,857 to Tappert (hereafter "Tappert") and U.S. Patent No. 5,893,125 to Shostak (hereafter "Shostak").

As amended, independent claim 1 now recites, "automatically moving the shapes of design elements sharing a particular one of the characteristics into an affinity region for the particular characteristic, such that the moved shapes are located in proximity to each other on the visual design surface." Independent claim 19 has been amended to recite similar language.

As agreed upon during the interview, neither Luo nor Bates teaches the aforementioned feature. Further, Applicants respectfully submit that none of Tappert and Shostak remedies this deficiency in the Luo and Bates. Accordingly, Applicants respectfully submit that the references relied upon by the Examiner, taken separately or in combination, fail to teach or suggest each and every claimed feature recited in claims 1 and 19.

In view of the foregoing, Applicants respectfully submit that independent claims 1 and 19 are in condition for allowance. Accordingly, claims 2-4, 7-13, 19, and 20 are each allowable at least by virtue of its dependency on an allowable independent claim. Therefore, the Examiner is respectfully requested to reconsider and withdraw these rejections.

Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

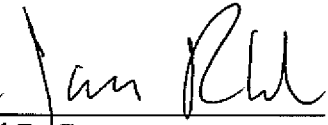
Application No. 10/798,206
Amendment dated December 3, 2007
After Final Office Action of August 3, 2007

Docket No.: 5486-0166PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 3, 2007

Respectfully submitted,

By  #47,305
for Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant